

*Office Memorandum* • UNITED STATES GOVERNMENT

STATINTL

TO : Mr. L. R. Houston

DATE: 17 February 1950

FROM 

SUBJECT: Supplemental Comments on Reduced Rate Round-Trip Tickets Between the United States and Foreign Countries (Memorandum dated 13 February 1950 from Finance Division to OGC)

1. The referenced memorandum from the Acting Chief, Finance Division, supplements his memorandum of 26 January 1950 in connection with the same subject. This memorandum, therefore, supplements my memorandum of 15 February.
2. Paragraph 1 of the memorandum under discussion concurs with the interpretation of the Standardized Government Travel Regulations by the Budget Officer (see memorandum, Budget Officer to General Counsel, 9 February 1950). The concurrence is based on normal circumstances prevailing, and consequently there is a presentation of situations which are suggested to be abnormal which would have the effect of removing the suggested exceptions from the requirements of the Standardized Government Travel Regulations. This will be commented upon later in this memorandum.
3. Paragraph 2 of the memorandum states that the "official justification" negates the requirements to purchase round-trip tickets whenever practicable and economical, and that where there is specific authorization or approval it may be assumed that the requirement has been satisfied. I believe that this interpretation requires some qualification. I believe the decision holds that the assumption that the requirement of "official justification" has been met will be made by the General Accounting Office, but this does not lessen the responsibility of the authorizing or approving officer to base his action on the facts and circumstances of the case. In this connection the decision referred to is helpful in furnishing illustrations of actual cases where the requirement of "official justification" was appropriate.
4. Paragraph 3 raises the question as to whether the existence of certain abnormal conditions would be sufficient to constitute "official justification." It appears necessary to distinguish abnormal conditions into (1) Conditions abnormal to the individual, and (2) Conditions abnormal to the Government.
5. Paragraph 3 a. of the memorandum, in substance, is concerned with the principle of preserving, or at least disrupting to a minimum, the operational continuity of the station. Assuming that the individual would normally elect to travel by sea transportation on the initial

part of his journey, and at the behest of the Government performs the initial part by air, there would appear to be no legal objection to the modes of travel inasmuch as the existence of conditions abnormal to the Government, fulfilling the requirements of "official justification," can be established. To the extent that the individual would normally travel by air, there may be a gratuitous benefit conferred upon the employee in recognizing his right to return by sea transportation. This, however, is essentially a matter for administrative control; hence, subject to the foregoing, I believe that paragraph 3 a. of the memorandum may be answered in the affirmative.

6. Paragraph 3b. of the memorandum is concerned generally with the actual economies flowing from the adoption of such a principle. I believe that the economies would be a necessary but incidental concomitant flowing from the adoption of the principle in paragraph 3 a., but I do not hold the opinion that mere economy in favor of the Government is sufficient to establish the requirement of "official justification," coming or going, at the election of the employee.

7. Paragraph 3 c. suggests physical or mental hardships as a basis for recognizing "official justification." This suggestion appears to be recognizable as a matter involving conditions abnormal to the individual, and at the risk of oversimplification, I feel that it is insufficient to establish the requirements of "official justification."

8. Paragraph 4 of the memorandum raises the more difficult question of through tickets being determined by the original or initial mode of travel. This is a matter which apparently can be determined only by the facts and circumstances of the individual case and not by the application of a general principle without regard thereto. For example, if it is clear that the interruption is not for personal convenience but for official reasons, or not for the taking of leave, then it should follow that sufficient official reason exists to justify an alternate mode of travel. The memorandum states that a very serious problem exists with respect to the travel of employees by air to ports of embarkation on ships when through travel to ultimate destination by air is available at a lesser cost to the Government. Assuming that the selected mode of travel is sea transportation, and the individual proceeds to the port of embarkation by air from his place of abode or employment, it is not clear that there is a conflict with prevailing decisions. The mere fact that the employee proceeds to the port of embarkation by air, presumably at a lesser cost to the Government, would appear to be preliminary and incidental to the basic journey concerning which the employee would have made a prior election. The mere fact of the incidental travel to the port of embarkation certainly should not operate to defeat the original election of travel. In this connection it appears appropriate to observe that the traveler might have proceeded to the port of embarkation by rail, presumably at a greater cost to the Government. I do not feel that the matter of proceeding to the port of embarkation by air involves the principle that an officer or employee, once having elected a specified mode of travel, is subsequently bound thereby.

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